

MINUTES OF A REGULAR MEETING  
OF THE LAKE FOREST CITY COUNCIL

The regular meeting of the Lake Forest City Council held October 1, 2013 at the Lake Forest Council Chamber, 25550 Commercentre Drive, Lake Forest, California 92630 was called to order at 5:37 p.m.

ROLL CALL:

Council Members:	Peter Herzog Adam Nick Dwight Robinson
Mayor Pro Tem: Mayor	Kathryn McCullough Scott Voigts
City Manager:	Robert C. Dunek
City Attorney:	Scott C. Smith
City Clerk:	Stephanie D. Smith

RECESS: City Council recessed at 5:37 p.m. for the purpose of conducting Closed Session Business.

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code Section 54956.8  
Property: APNs 104-132-36 and 104-132-65 located at 20996 Marin, Lake Forest, CA  
Agency negotiators: City Manager and City Attorney  
Negotiating parties: City Manager, City Attorney and Irvine Ranch Water District  
Under Negotiation: Terms For Acquisition Based On Current Resource Agency Permitting
2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Pursuant to Government Code Section 54956.8  
Property: 25550 Commercentre Drive  
Agency negotiators: City Manager and Asst. City Manager  
Negotiating parties: City Manager, Asst. City Manager and Newtower Trust Company  
Under Negotiation: Price And Terms Of Payment On Lease

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:40 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:00 p.m., with all Members present to continue regular City business.

#### PUBLIC SESSION

#### INVOCATION:

The Invocation was led by Council Member Robinson.

#### PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance to the Flag of our Country was led by Mayor Voigts.

#### CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action.

#### PRESENTATIONS:

There were no items scheduled for Presentation.

#### REPORT FROM STUDENT LIAISON:

Jeff Domenech, Student Liaison from El Toro High School, presented his report.

#### PUBLIC COMMENTS:

The following members of the public offered comment:

Paula Henry Sigler, Lake Forest resident, spoke regarding deteriorating road conditions in Foothill Ranch and requested an engineering study.

Marcia Rudolph, Lake Forest resident, spoke regarding the Mayor's attendance at the League of California Cities Conference in Sacramento, and discussed outreach from the Orange County Vector Control Board.

Natalie Miles, Lake Forest resident, spoke regarding the Orange County Grand Jury and the opportunity for residents to serve.

Shelley Covey, Lake Forest resident, spoke in opposition to a proposed dog park at Darrin Park.

Jim Rosenberg, Parks and Recreation Commission, spoke regarding the upcoming 4-H Club Chili Cook-off on October 5th at Serrano Creek Stables.

Patrice Suket, Lake Forest resident, spoke in opposition to a proposed dog park at Darrin Park.

Wes Christy, Lake Forest resident, spoke in opposition to a proposed dog park at Darrin Park.

Megan Kirby, Lake Forest resident, spoke in opposition to a proposed dog park at Darrin Park.

Dave Herzberg, Lake Forest resident, spoke in opposition to the proposed residential developments at the former Lake Forest Auto Mall properties.

Bob Holtzclaw, Lake Forest resident, addressed an electronic voting board in the Council Chambers. He suggested listing Bake Parkway as a three-lane highway on the 5-year Strategic Plan, and stated his opposition to the proposed dog park at Darrin Park.

Jim Gardner, Lake Forest resident, requested the City adopt an ordinance prohibiting feeding the ducks at Village Pond Park and requested follow up from city staff. He addressed the recent escape at Musick Jail. He suggested using Alert OC to notify property owners, and provide a report to the public every year. He also spoke regarding the use of committees within the city and asked about the formation of a traffic commission.

Mayor Voigts asked City Manager Dunek about the use of Alert OC by the City.

City Manager Dunek stated it was a service provided by the County and available to the City to utilize. If the Council desires, staff can initiate dialogue with the Sheriff on the matter.

#### CONSENT CALENDAR - WARRANT REGISTER: (Item No. 3)

3. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer.

The following member of the public offered comment:

Jim Gardner, Lake Forest resident, commented on the use of local city vendors versus the use of outside vendors.

MOTION: On motion by Council Member Robinson and second by Mayor Pro Tem McCullough, the City Council approved the warrant register in the amount of \$3,446,199.23 as submitted. MOTION CARRIED with Council Member Nick abstained because of self-interest on the warrant payable to Cummins & White, LLP.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 5 - 12)

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Robinson, the City Council approved Consent Calendar Item Nos. \*4-5, \*7, and \*9-10. MOTION UNANIMOUSLY CARRIED.

- \*4. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: The City Council approved for reading, by title only, of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read and further reading waived.

- \*5. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON AUGUST 6, AUGUST 20, AND SEPTEMBER 3, 2013 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- \*7. AUTHORIZATION FOR THE CITY TO JOIN THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY submitted by Assistant City Manager.

ACTION: The City Council: 1. Adopted Resolution No. 2013-39 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST APPROVING, AUTHORIZING, AND DIRECTING EXECUTION OF AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY. 2. Authorized the Mayor to execute and the City Clerk to Attest the Agreement.

- \*9. FIRST AMENDMENT TO AGREEMENT WITH APA ENGINEERING, INC., FOR DESIGN SERVICES FOR ANNUAL STREET RESURFACING PROJECTS submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the First Amendment to Agreement with APA Engineering, Inc., ("APA") for professional design engineering services for the Annual Street Resurfacing and Slurry Seal Projects. 2. Authorized the Mayor to sign, and the City Clerk to attest, the First Amendment with APA Engineering, Inc.

- \*10. NOTICE OF COMPLETION FOR THE LAKE FOREST SPORTS PARK ROUGH GRADING AND DRAINAGE PROJECT submitted by Director of Public Works/City Engineer.

RECOMMENDED ACTION: The City Council: 1. Found that Road Builders, Inc., of National City, California, completed construction of the Lake Forest Sports Park Rough Grading and Drainage Project (PW 2009.01). 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized the

City Clerk to submit said Notice of Completion with the County Clerk-Recorder of Orange County, within 10 days of the City Council approval as required by Section 2093 of the California Civil Code. 4. Authorized release of the five percent retention payment to the contractor in the amount of \$260,990.60, thirty days after the recording of the Notice of Completion provided no Stop Notices or other claims are on file with the City preventing release of the retention payment. 5. Adopted Resolution No. 2013-40 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A THIRD ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SPORTS PARK AND RECREATION CENTER PROJECT LOCATED SOUTH OF RANCHO PARKWAY, NORTH OF EL TORO ROAD, AND WEST OF PORTOLA PARKWAY.

PULLED CONSENT CALENDAR ITEMS:

6. QUARTERLY SIX MONTH CONTRACT EXPIRATION NOTICE FOR CONTRACTS EXPIRING APRIL 1, 2014 THROUGH JUNE 30, 2014 submitted by City Clerk.

Council Member Herzog pulled this item for separate consideration. Noting he had questions from the original bid for street sweeping services, he moved to have this item placed on a future agenda for discussion. Mayor Pro Tem McCullough seconded the motion.

Council discussion ensued.

MOTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council: 1. Received and filed the report as submitted. 2. Directed staff to agendize the upcoming street sweeping expiring contract for future discussion. MOTION UNANIMOUSLY CARRIED.

8. FIRST CONTRACT AMENDMENT FOR PARK MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer.

Mayor Voigts pulled this item for separate consideration. He noted the city schedules the Concert in the Park series annually and suggested there was insufficient lawn replacement before the concerts. Noting the increase of the contract, he stated his dissatisfaction with the work at Pittsford Park.

MOTION: On motion by Mayor Voigts and second by Mayor Pro Tem McCullough, the City Council: 1. Approved the first contract amendment with Nieves Landscape Inc., to provide park maintenance services. 2. Authorized the Mayor to sign, and the City Clerk attest, the first amendment substantially in the form attached. MOTION UNANIMOUSLY CARRIED. Mayor Pro Tem McCullough requested a more detailed breakdown of the increase in the contract service contract.

PUBLIC HEARING(S):

11. PUBLIC HEARING FOR THE ISSUANCE OF MULTIFAMILY REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR USE BY META HOUSING CORPORATION FOR ITS PROPOSED AFFORDABLE HOUSING PROJECT submitted by Assistant City Manager.

Mayor Voigts opened the Public Hearing for public comment.

Assistant City Manager Belmer presented the staff report dated October 1, 2013. He noted Shea Baker Ranch Associate's (SBRA) Development Agreement has provisions for affordable housing. He highlighted SBRA has proposed to sell a 6.3 acre site to META housing to build 189 affordable apartments, and the proposed plans have been approved by the Planning Commission. He stated for financing SBRA has proposed tax-exempt bonds and investment tax credits. He stated the California Statewide Communities Development Authority, a Joint Powers Authority (JPA) is asking for \$43 million in tax-exempt bonds from the JPA. He noted however, it is not a debt or pledge of credit for the City of Lake Forest. He stated the repayment is secured solely through the project revenues.

The public offered no comments.

Mayor Voigts closed the public portion of the Public Hearing.

Council Member Robinson asked if the city is held responsible for any of the debt.

Staff confirmed the city has no obligation of debt.

City Attorney Smith stated there has been an occurrence where under default another jurisdiction was litigated against, but the courts have been unanimous and consistent in finding the City not responsible. The agreement defines the separation of the responsible parties.

Mayor Pro Tem McCullough offered staff praise for their work on the project.

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Herzog, the City Council: 1. Conducted a public hearing as required by the Tax Equity and Fiscal Responsibility Act for Meta Housing Corporation's proposed use of tax-exempt bonds. 2. Subject to comments and testimony received during the public hearing, adopted Resolution No. 2013-41 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR USE BY META HOUSING CORPORATION (D/B/A/ BAKER RANCH AFFORDABLE, LP) FOR ITS AFFORDABLE APARTMENT PROJECT IN THE BAKER RANCH PLANNED COMMUNITY. MOTION UNANIMOUSLY

CARRIED.

DISCUSSION/ACTION ITEMS:

12. AFFORDABLE HOUSING AGREEMENTS FOR META HOUSING CORPORATION'S PROPOSED AFFORDABLE APARTMENT PROJECT LOCATED IN THE BAKER RANCH DEVELOPMENT submitted by Assistant City Manager.

The staff report dated October 1, 2013 was introduced.

Assistant City Manager Belmer provided a summary stating this provides covenants on the property as well as outlines the costs and benefits. He noted the city has no direct costs and the agreement fulfills the Opportunity Study Area's goal for affordable housing.

MOTION: On motion by Mayor Voigts and second by Mayor Pro Tem McCullough, the City Council: 1. Approved the Affordable Housing Agreement between the City and Shea/Baker Ranch Associates, LP. and authorized the City Manager to execute the Agreement. 2. Approved the Affordable Housing Agreement between the City and Meta Housing Corporation (d/b/a Baker Ranch Affordable, LP) and authorized the City Manager to execute the Agreement. MOTION UNANIMOUSLY CARRIED.

13. RECONSIDERATION OF THE PROPOSERS WORKSHOP - SOLID WASTE COLLECTION SERVICES REQUEST FOR PROPOSALS submitted by Director of Public Works/City Engineer.

City Manager Dunek provided a brief report dated October 1, 2013.

Council Member Robinson asked if there was a pre-submittal conference, and did the haulers have any comments?

Public Works Director Wheeler stated the haulers did not provide comments. He reported staff will video tape the interviews providing for Council review at their discretion.

Council Member Robinson asked when the public would have an opportunity to provide input.

City Manager Dunek stated the public will have the opportunity to comment when staff provides their recommendations. He noted the City is videotaping all of the actions, the full RFP is posted on the City's website, including any addendums, and will be available for review.

Council Member Herzog moved to delete the proposer's workshop from the RFP for the Solid Waste Collection Services. Mayor Pro Tem McCullough seconded the motion.

MOTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council removed the proposer's workshop from the RFP for Proposals for Solid Waste Collection Services approved by the City Council at its regular meeting held June 4, 2013. MOTION UNANIMOUSLY CARRIED.

14. AWARD OF CONTRACT FOR LEGISLATIVE CONSULTING SERVICES  
submitted by City Manager

City Manager Dunek provided a summary of the staff report dated October 1, 2013.

He noted Council had requested two RFP services, for grants and legislative advocacy. Staff sent out the request, evaluated the various responding companies, and conducted interviews. Staff ranked the participants and concluded the most qualified provider for legislative consulting services was Emanuels Jones and Associates. He stated staff's recommendation is to authorize the agreement and execute it. He continued, with regard to the request for grant RFP's, Council had requested the grant provider's compensation be based on a percentage of the grant received. He noted research provided from within the industry as a whole does not perform contract work on a percentage basis. He stated the City has been successful in obtaining grants in the past, and agrees with Council a more robust program could help identify more. He suggested the city subscribe to an internet-based subscription service to help identify those grants. He concluded staff's recommendation is for Council to authorize a subscription based notification service and over a period of time, staff will determine its usefulness.

Mayor Voigts asked if there are providers for the grant subscription.

City Manager Dunek confirmed there are various subscription-based services from which staff can choose.

MOTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council: 1. Approved the selection of Emanuels Jones and Associates for Legislative Consulting Services. 2. Authorized the Mayor to sign, and the City Clerk to attest, the agreement with Emanuels Jones and Associates substantially in the form attached. 3. Authorized staff to procure a subscription-based grant notification service and include the cost for these services at the mid-year budget adjustment for Fiscal Year 2013-2014. MOTION CARRIED with Mayor Voigts opposed.

15. LEGISLATIVE AND REGULATORY MATTERS submitted by City Manager.

City Manager Dunek introduced the report dated October 1, 2013.

Mayor Voigts asked for an update on Senate Bill 662.

City Manager Dunek will provide Council an update on SB 662.

ACTION: The City Council received and filed the report as submitted.

16. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES, ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY AND/OR THE ORANGE COUNTY CITY SELECTION COMMITTEE submitted by City Clerk.

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Mayor Voigts left the dais at 8:09 p.m.

Mayor Pro Tem McCullough chaired the meeting in his absence.

Council Member Herzog addressed the history of the city, the focus on the people and community and the approval rating from the city's biennial survey.

Mayor Voigts returned to the dais at 8:12 p.m.

Council Member Nick summarized that the Planning Commission is an extension of the Council, and the Council an extension of the public. He commented on a dog park for the City, electronic voting, and asked for consensus on a briefing from City Attorney Smith regarding mobile home conversions.

CONSENSUS: Staff will provide an update on mobile home park conversions at a future City Council meeting.

Council Member Robinson offered no comments.

Mayor Pro Tem McCullough in compliance with AB 1234, reported attending the City of Lake Forest Shop and Dine event, the Mental Health Services Act Steering Committee meeting, the League of California Cities Conference in Sacramento, the Association of California Cities meeting, Southern California Association of Governments meeting, Senior Citizens Advisory Council meeting, the Village Pond Park site visit, the Orange County 20/20 Ending Homeless Board meeting, the Orange County Fire Authority Board meeting, and the Orange County Council of Governments meeting. She referenced an invitation from the Urban Garden for self-sustaining gardens, the upcoming TIP Heroes with a Heart event, and the upcoming XOP Solar Energy event hosted by the City of Irvine.

Mayor Voigts thanked Park and Recreation Commissioner Jim Rosenberg for the update on the 4-H Chili Cook-off, staff for working with the Orange County Sheriff for use of the Alert OC, and asked for consensus to discuss a traffic commission.

CONSENSUS: Staff will place on a future agenda the discussion of a traffic commission in Lake Forest.

Council Member Nick suggested a commission or committee to address local spending by the city.

There was no consensus.

Mayor Voigts announced the upcoming Relay For Life at El Toro Park.


CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT:

The City Council of the City of Lake Forest adjourned at 8:46 p.m.

Respectfully submitted:

  
STEPHANIE D. SMITH, CMC  
CITY CLERK

APPROVED:

  
SCOTT VOIGTS  
MAYOR